

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH L. ENNIS,

Plaintiff,

v.

CALIFORNIA STATE PRISON –  
SACRAMENTO, et al.,

Defendants.

No. 2:21-cv-0467 WBS DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that defendants failed to provide him adequate medical care in violation of his Eighth Amendment right. Presently before the court is defendants' motion to modify the June 3, 2022, Discovery and Scheduling Order ("DSO").<sup>1</sup> (ECF No. 42.) Defendants seek a 120-day extension of the discovery and dispositive motion deadlines.

In support of the motion to modify the DSO, counsel states that they received plaintiff's discovery responses on September 23, 2022. (ECF No. 42.) Counsel further states that upon review they believe many of the responses are insufficient and may require supplementation. (*Id.*

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<sup>1</sup> In the body of the motion, defendants request a 120-day extension of the discovery cut off as well as the dispositive motion deadline. (*See* ECF No. 42.) However, the caption of the motion states: "DEFENDANTS' REQUEST FOR AN EXTENSION OF TIME TO CONTINUE SETTLEMENT CONFERENCE HEARING BY 30 DAYS." Because it is clear from the body of the motion that defendants seek modification of the DSO, the court will construe the motion as a motion to modify the DSO.

1 at 1.) Counsel also noted that they have two upcoming trials set to commence on October 24,  
2 2022, and December 12, 2022, respectively. (Id. at 2.) The court finds counsel's explanation  
3 insufficient to warrant a 120-day extension. The court will extend the discovery and dispositive  
4 motion deadlines by 60 days.

5 Good cause appearing, IT IS HEREBY ORDERED that:

6 1. Defendants' motion to modify the DSO (ECF No. 42) is granted in part and denied in  
7 part.

8 2. The parties may conduct discovery until December 9, 2022. Any motions necessary to  
9 compel discovery shall be filed by that date. All requests for discovery pursuant to Federal Rules  
10 of Civil Procedure 31, 33, 34, or 36 shall be served not later than 45 days prior to that date.

11 3. All pretrial motions, except motions to compel discovery, shall be filed on or before  
12 Friday March 3, 2023.

13 4. The DSO remains the same in all other respects.

14 Dated: October 7, 2022

15 /s/DEBORAH BARNES  
16 UNITED STATES MAGISTRATE JUDGE  
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